

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

THAN ORN, individually, THALISA ORN,
individually, J.O. and C.O., by their
Guardian, CLARISSE ORN,

Plaintiffs,

vs.

CITY OF TACOMA, a municipal
corporation; and KRISTOPHER CLARK, in
his individual capacity;

Defendants.

No. 3:13-cv-05974-MJP

**PROPOSED JOINT NEUTRAL
STATEMENT**

PROPOSED JOINT NEUTRAL STATEMENT

No. 3:13-cv-05974-MJP

**PFAU COCHRAN
VERTETIS AMALA**
ATTORNEYS AT LAW

909 A Street, Suite 700
Tacoma, WA 98402
(253) 777-0799 | Fax: (253) 627-0654

NEUTRAL STATEMENT

This is a civil case in which a Tacoma man, Mr. Than Orn, and his children Thalissa Orn, J.O., and C.O., the Plaintiffs, bring claims against the City of Tacoma and its police officer Kristopher Clark, the Defendants, as a result of events occurring on the night of October 12, 2011. The events began when a Tacoma Police sergeant attempted to conduct a traffic stop of Than Orn's vehicle and culminated in Officer Kristopher Clark shooting multiple rounds at Plaintiff Than Orn.

Plaintiff Than Orn was struck multiple times by Defendant Clark's gunshots. According to medical reports, Mr. Orn suffered complete spinal cord injury and did not recover any function below the L1 level of his spine. Several year later Mr. Orn subsequently had both of his legs amputated below the knee due to infection.

Defendants deny all of Plaintiffs' claims and assert that Tacoma Police officers had reasonable suspicion to stop Mr. Orn for a traffic infraction and that while they followed him, they developed probable cause to arrest him. Defendants deny that Officer Clark used excessive force. Defendants deny that they are liable for Mr. Orn's damages and also assert that Mr. Orn failed to mitigate his damages.

DATED November 18th, 2020.

PFAU COCHRAN VERTETIS AMALA, PLLC

By /s/ Darrell L. Cochran

Darrell L. Cochran, WSBA No. 22851
Thomas B. Vertetis, WSBA No. 29805
Andrew S. Ulmer, WSBA No. 51227
Alexander G. Dietz, WSBA No. 54842

Attorneys for Plaintiffs

COCHRAN DOUGLAS, PLLC

By /s/ Loren A. Cochran

Loren A. Cochran, WSBA No. 32773

Attorney for Plaintiffs

LAW OFFICE OF THOMAS A. BALERUD

By /s/ Thomas A. Balerud

Thomas A. Balerud, WSBA No. 19539

Attorney for Plaintiffs

FREY BUCK, P.S.

By /s/ Anne M. Bremner

Anne M. Bremner WSBA No. 13269

By /s/ Karen L. Cobb

Karen L. Cobb, WSBA No. 34958

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Andrew S. Ulmer, hereby declare under penalty of perjury under the laws of the United States of America that I am employed at Pfau Cochran Vertetis Amala PLLC and that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jean P. Homan
Tacoma City Attorney's Office
747 Market Street, Suite 1120
Tacoma, WA 98402
jhoman@ci.tacoma.wa.us

Anne M. Bremner
Karen L. Cobb
Frey Buck, P.S.
1200 Fifth Ave, Suite 1900
Seattle, WA 98101
abremner@freybuck.com
kcobb@freybuck.com

DATED this 18th day of November, 2020.

/s/ Andrew S. Ulmer

Andrew S. Ulmer
Associate Attorney